

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Department- Court Case- Contempt Case No. 364/2012, filed by Sarva Sri.Male Rajender Reddy and 4 others, for compliance of the orders of the High Court of AP in W.P.No.31556/2011 Dt.30-11-2011- Payment to deposit of 50% decretal charges in respect of O.P.No.9/2005 on the file of Senior Civil Judge, Miryalaguda – Sanction-Accorded - Orders – Issued.

TRANSPORT, ROADS AND BUILDINGS (R.IV) DEPARTMENT
G.O.Rt.No. 379

Dated: 11-04-2012.

Read the following:

- Ref:1.From the C.C.L.A & Spl.C.S.to Govt., Hyderabad,
Lr.No.G1/ 402/2011, dt.18-5-2011.
2. Contempt Notice received from Sri K. Pratap Reddy,
Advocate, Dt:02.03.2012.
- 3.From the C.C.L.A & Spl.C.S.to Govt.,Hyd.,
D.O.Lr.No.G1/402/2011, dt.02-04-2012.
- 4.From the District Collector, Nalgonda,
Lr.No.G1/8431/2010, Dt.27-03-2012
- 5.From Deputy Registrar, High Court of AP, Show cause
notice in CC.No.364 of 2012 Dt.29-03-2012.
- 6.From the CE(R&B) CRN & MD, APRDC, Hyd., Lr
No.823/ENC(R&B)A&EAP/Phase-I/APSH2/006,dt: 03-4-2012
7. From the District Collector, Nalgonda,
Lr.No.G1/8431/2010, Dt.10-4-2012

ORDER:

In view of non-compliance of orders of High court of AP, a show cause notice from the Dy. Asst. Registrar, High Court of AP., in Contempt Case No.364/2012, dt: 22-3-2012 has been received. Mean while a D.O.Lr has been received from the C.C.L.A & Spl.C.S.to Govt.,Hyderabad in which he has stated that the Collector Nalgonda District has submitted the Decretal charges proposals for an extent of 16655 ½ Sq. yards in Sy.No. 830,831, 833,834 situated at Miryalaguda (V&M) for formation of State High way Road from Narketpally to Addanki and passed award dated:-19.09.2002 @ Rs.200000/- per acre and @ Rs.250000/- per acre (covered by structures) with other statutory benefits as allowed under Law. Aggrieved by the orders, the awardees to an extent of 16655.1/2 Sq.yards have filed the petition U.sec.18 of L.A Act and same was been referred to the Hon'ble Senior Civil Court of adjudication. The Hon'ble Senior Civil Judge, Miryalaguda has enhanced the compensation from Rs.200000/- and Rs.250000/- per acre to Rs.564/- Sq. yards while deducting 30% rate towards developmental charges in.OP.No.9/2005.

2. The Collector has further submitted that the Hon'ble Senior Civil Judge, Miryalaguda has opined that taking into consideration the locality of the existing land, the nature of the acquisition for By-pass road for reasonable deduction of 30% can be given for developmental purpose. If the 30% deduction is given for the value of Rs.805/- it comes to Rs.564/- per Sq.yard. In the result the market value of the present acquired lands is determined @ Rs.564/- per Sq, yard irrespective of their grouping by the Land Acquisition officer. Aggrieved by the orders, the RDO/LAO, Miryalaguda has filed Appeal in Hon'ble High Court. The Hon'ble High Court has issued the Common Interim orders in the following LA.ASNos. to deposit the 50% enhanced compensation together with all statutory benefits in LA.A.S.MP.No.150/2010 in LA.A.S.No.97 of 2010 Dt.24.2.2010.

3. He has further submitted that the RDO Miryalaguda has submitted decretal proposals for an amount of Rs.1,31,28,361/- (Rupees One Crores thirty one lakhs twenty eight thousand three hundred and sixty fone only) towards payment of decretal charges to comply the interim orders LA.A.S.MP.No.150/2010 in LA.A.S.No.97 of 2010 Dt.24.2.2010.

(PTO)

4. Finally, the Collector Nalgonda District has requested to sanction of Decretal charges in OP.No.9/2005 of Miryalaguda village & Mandal of Nalgonda District acquired for the purpose of formation of State High way road in Miryalaguda.
5. The Commissioner Legal Affairs has opined that in view of interim order Dt.24.12.2010 in L.A.A.S.M.P.No.150/2010 in LA.A.S.No.97/2010 of High Court, the file can be processed.
6. In view of the above, the proposals received from the Collector, Nalgonda District together with the calculations made by CCLA Office, are furnished to the Government for sanction of 50% of decretal charges, in O.P.No.9/2005 as per interim order of the Hon'ble High Court of A.P. Hyderabad.
7. In the D.O.Lr 3rd read above, the CCLA and Spl. CS to Govt., A.P., Hyd., has informed that the Hon'ble High court of A.P has issued show cause notice Dt.22-03-2012 in CC.No.364/2012 in W.P.No.31556/2011 for non-compliance of its orders dt.30-11-2011 and posted the contempt case on 13-04-2012.
8. The CCLA and Spl. CS to Govt., A.P., Hyd.,has therefore requested the Government to take necessary action to release an amount of Rs.1,31,28,361/- towards decretal charges in O.P.No.9/2005 to avoid legal complications in CC No.364/2012,since the case is posted on Dt.13-04-2012.
9. In the letter 4th read above, the District Collector, Nalgonda, has requested the Govt., to provide the funds for an amount of Rs. 1,31,28,361/- towards payment of decretal charges in O.P.NO.9/2005 as per the interim orders of Hon'ble High Court of A.P.in W.P.No.31556/2011 orders Dt.30-11-2011 to avoid legal complications.
10. In the letter 6th read above, the Chief Engineer (R&B) CRN & Managing Director, A.P.Road Development Corporation, Hyderabad, has also requested the Govt. to release the above amount towards the decretal charges in OPNo.9/2005 for depositing in Civil Court, Miryalaguda.
11. In the letter 7th read above, the District Collector, Nalgonda has stated that decretal proposals submitted earlier to the Govt are in conformity with the orders of Hon'ble High Court of AP in WPNo.31556/2011, dt: 30.11.2011.
12. Government after careful examination of the matter, hereby accord administrative sanction for release of an amount of Rs.1,31,28,361/-(Rupees one crore thirty one lakhs twenty eight thousand three hundred and sixty one only) to deposit of 50% decretal charges in respect of O.P.No.9/2005 on the file of Senior Civil Judge, Miryalaguda, and as per the orders dt:30-11-2011 in WPNo.31556/2011 of the Hon'ble High Court of AP and Contempt Case No.364/2012, filed by Sarva Sri.Male Rajender Reddy and 4 others.
13. The amount sanctioned in para (12) above, shall be debited to the Head of Account- 5054 -COL on Roads and Bridges-04- District and Other Roads-MH- 800-Other Expenditure-GH 11-Normal State Plan-SH(33)-Corenet Work Roads (works)-530-Major Works- 531 -Other Expenditure and shall be met from provision available in BE 2012-2013 under above Head of Account.
14. The Chief Engineer (R&B) CRN & Managing Director, A.P.Road Development Corporation, Hyderabad, shall draw the amount sanctioned at para (12) above and deposit the same in the Senior Civil Judge, Mriyalaguda for realization of decretal amount in O.P.No.9/2005 under intimation to the Government.

(PTO)

15. This order issues with the concurrence of Finance Department vide their U.O.No.10101-C/398/Exp.PW/A2/2012, dated:11-4-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Chief Engineer (R&B) CRN & Managing Director,
A.P.Road Development Corporation, Hyderabad

Copy to:

The Government Pleader for TR&B, High Court of A.P., Hyderabad

The Chief Commissioner of Land Administration &
Spl.Chief Secretary to Govt., A.P, Hyderabad

The District Collector, Nalgonda District

The Accountant General, A.P, Hyderabad.

The Pay & Accounts Officer, Hyderabad.

The Finance (BG.I/Exp.PWD) Dept

PS to M(R&B)/ Prl.Secy., R&B

Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER